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Remarks

This Amendment and Response is submitted in reply to the Office Action mailed November 30, 2005. Claims 1-32, 34-41 and 43-45 were rejected. Reexamination and reconsideration is respectfully requested.

The undersigned attorney contacted the Examiner by telephone on January 9, 2006 to discuss the scope of the claims and the prior art. Applicants agreed to amend the claims to more clearly recite an elongated surface areas of engagement.

Claim 1, 35, 36, and 37 have been amended to recite a surface area of engagement between the interface member and the inner surface of the outer handle at least about 0.5 inches long and generally oriented along the longitudinal axis of the inner handle and one or more of the inner handle, the outer handle or the interface member comprise a polymeric material. Support for these amendments is found on page 7, lines 13-22 of the specification.

Claims 1, 2, 5, 7-10, 13, 15-19, 23, 24, 26, 28, 31, 32, 34, and 36-40 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,176,162 (“Ludwig”). The small balls 39 of Ludwig do not teach or disclose the claimed elongated surface area of engagement at least about 0.5 inches long and generally oriented along a longitudinal axis of the inner handle. There is also no teaching or disclosure in Ludwig that one or more of the key torque transmitting components (the inner handle, outer handle or interface member) can be constructed from a polymeric material. Applicants submit that Ludwig does not anticipate the rejected claims.

Claim 35 was rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,272,036 (“Van Hoose”). Van Hoose teach an intermediate set of components (rollers 88 or ball bearings 88a, 90a) between the interface member (roller 90) and the handle (wall 30) resulting in two discrete interfaces that must be maintained in alignment and operate in unison to perform the torque limiting function. In particular, the resulting two interfaces are the roller 90 forming a line contact with rollers 88 and the rollers 88 engages with inner surface of wall 30.

The claimed interface members is located in a radially oriented slot in the inner handle. The interface member engages directly with the inner surface of the outer

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handle to create an elongated surface area of engagement at least about 0.5 inches long. The claimed invention does not include the intermediate rollers 88 or ball bearings 88a, 90a of Van Hoose.

Claim 35 also recites that one or more of the inner handle, the outer handle or the interface member comprising a polymeric material. Van Hoose contains no teaching or disclosure for torque transmitting/limiting components constructed from a polymeric material. Applicants submit that the two distinct interfaces in Van Hoose (i.e., the rollers 90 forming a line contact with rollers 88 and the rollers 88 engaging with inner surface of wall 30) makes maintaining tolerances and alignment of plastic torque transmitting/limiting components problematic.

The claimed elongated interface members distribute the torque across larger surface areas than a conventional torque wrench, resulting in a reduced need for wear resistant and higher cost materials such as metal, allowing the use of the claimed polymeric material. Applicants submit that Van Hoose does not anticipate claim 35.

Claims 1-10, 13-24, 26-29, 31, 32, 37-41, 43 and 44 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,239,875 ("Stasiek") in view of Ludwig. As indicated in column 9, lines 10-14 of Stasiek, "rotation of the tubular body 13 causes the cylinders 49 of the drive member 45 to engage the torque transmission balls 36 and turn the drive member 30 along with the tubular body 13." The curved surface of the cylinders 49 engage with the spherical surfaces of the balls 36. In geometric terms, the intersection of a cylinder and a sphere is a single point.

As discussed in connection with Ludwig, the balls 36 of Stasiek do not teach or disclose the claimed elongated surface area of engagement at least about 0.5 inches long and generally oriented along a longitudinal axis of the inner handle. There is also no teaching or disclosure in Stasiek that such tools can include an inner handle, an outer handle or an interface member comprising a polymeric material. Stasiek does not supply the element missing from Ludwig, and therefore, no *prima facie* case of obviousness is set forth. For the reasons discussed above, Applicants submit that claims 1, 35, 36, and 37, and the claims that depend thereon, are patentable over the cited references.

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Claims 11 and 12 were rejected under 35 U.S.C. §103(a) as being unpatentable over Stasiek and Ludwig in view of U.S. patent No. 6,308,598 ("O'Neil"). In light of the allowability of claim 1 discussed above, Applicants submit that claims 11 and 12 distinguish over the cited references.

Claims 25 and 45 were rejected under 35 U.S.C. §103(a) as being unpatentable over Stasiek and Ludwig in view of U.S. patent No. 6,487,943 ("Jansson"). In light of the allowability of claim 1 and 37 discussed above, Applicants submit that claims 25 and 45 distinguish over the cited references.

No fee is believed to be necessary. Should any fee be required, the Commissioner is authorized to charge our Deposit Account No. 06-0029, and in such an event, is requested to notify us of the same.

Respectfully Submitted,

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Dated: January 25, 2006

MS:20763228.01